## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

DESIGN BASICS, LLC 999999999999 Plaintiff, CIVIL ACTION NO. **JURY DEMANDED** v. **WOOD'S EDGE BUILDERS, INC.**; SHER-WAL., INC.; W. M. P. LTD.; THE **ののののののののののののの** MURRY COMPANIES / SHER-WAL, INC. JOINT VENTURE; MURRY COMMUNITIES, LTD. FORMERLY KNOWN AS THE MURRY **COMPANIES**; MURRY **DEVELOPMENT CORPORATION;** WM MURRY & SON INC.; MURRY MANAGEMENT CO.; WILLIAM E. MURRY; ROBERT B. SHERMAN; AND CHARLES H. WALTON § Ş Defendants.

### PLAINTIFF'S ORIGINAL COMPLAINT

Design Basics, LLC, Plaintiff, files this Complaint against Wood's Edge Builders, Inc., Sher-Wal., Inc., W. M. P. Ltd., The Murry Companies / Sher-wal, Inc. Joint Venture, Murry Communities, Ltd. formerly known as The Murry Companies, Murry Development Corporation, WM Murry & Son Inc., Murry Management Co., William E. Murry, Robert B. Sherman, and Charles H. Walton, Defendants, and for its causes of action alleges the following:

#### **Parties**

1. Design Basics, LLC is a Nebraska Limited Liability Company. Under Articles of Merger executed on July 1, 2009, Design Basics, LLC is the successor by merger to Design Basics, Inc., and as such is the owner of all assets (including copyrights, trade and service names, trade and service marks, and all causes of action) that Design Basics, Inc. owned as of that date.

Design Basics, LLC and its predecessor (Design Basics, Inc.) will hereinafter be referred to as "Design Basics" or "Plaintiff".

- 2. Defendant Wood's Edge Builders, Inc. is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 3. Defendant The Murry Companies / Sher-wal, Inc. Joint Venture is a fictitious name registered with the Pennsylvania Department of State and owned by Defendants Sher-Wal., Inc. and W. M. P. Ltd.
- 4. Defendant Sher-Wal., Inc. is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 5. Defendant W. M. P. Ltd. is a limited company or limited partnership organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 6. Defendant Murry Communities, Ltd. formerly known as The Murry Companies is a limited company or limited partnership organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 7. Defendant Murry Development Corporation is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 8. Defendant WM Murry & Son Inc. is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.

- 9. Defendant Murry Management Co. is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Lancaster, Pennsylvania.
- 10. Defendant William E. Murry is an individual residing in Lancaster, Pennsylvania. On information and belief, William E. Murry is an officer and shareholder/owner in Wood's Edge Builders, Inc., Murry Development Corporation, Murry Communities, Ltd., WM Murry & Son Inc., W. M. P. Ltd. and Murry Management Co. and, upon information and belief, has the right and ability to supervise the activities of each of these entities and a direct financial interest in them.
- 11. Defendant Robert B. Sherman is an individual residing in Lancaster, Pennsylvania. On information and belief, Robert B. Sherman is an officer and shareholder in Wood's Edge Builders, Inc. and SherWal., Inc. and, upon information and belief, has the right and ability to supervise the activities of each of these entities and a direct financial interest in them.
- 12. Defendant Charles H. Walton is an individual residing in Lancaster, Pennsylvania. On information and belief, Charles H. Walton is an officer and shareholder in Wood's Edge Builders, Inc. and SherWal., Inc. and, upon information and belief, has the right and ability to supervise the activities of each of these entities and a direct financial interest in them.

### Jurisdiction and Venue

13. This Court has subject matter jurisdiction of this case under 28 U.S.C. § 1338 because this action arises under federal copyright law, 17 U.S.C. § 101 et seq.

14. Venue is proper in this District under 28 U.S.C. § 1400(a) because the Defendants may be found in this District. Furthermore, or in the alternative, venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims at issue occurred in this District and the Defendants reside and do business in this District.

#### Factual Background

- 15. Design Basics is a building design firm engaged in the business of creating, marketing, publishing, and licensing the use of "architectural works" (as that term is defined in the Copyright Act and the Architectural Works Copyright Protection Act of 1990 ("AWCPA")) and technical drawings depicting architectural works. The firm owns copyrights protecting the architectural works and technical drawings it has created.
- 16. Design Basics is the author and the owner of all copyrights in the following designs: Plan No. 3076 Sayler; Plan No. 3123 Bethany; Plan No. 1032 Monte Vista; and Plan No. 1330 Trenton.
- 17. Design Basics registered the following architectural works copyrights with the United States Copyright Office:

Title	Certificate of Registration
Plan No. 3076 - Sayler	VA 624-130 <sup>1</sup>
Plan No. 3123 - Bethany	VA 622-000 <sup>2</sup>

18. Design Basics registered the following technical drawings copyrights with the United States Copyright Office:

Title	Certificate of Registration
Plan No. 1032 – Monte Vista	VA 282-203 <sup>3</sup>
Plan No. 1330 - Trenton	VA 314-016 <sup>4</sup>

See Exhibit A, Certificate of Copyright Registration for Plan No. 3076 - Sayler

<sup>&</sup>lt;sup>2</sup> See Exhibit B, Certificate of Copyright Registration for Plan No. 3123 - Bethany

<sup>&</sup>lt;sup>3</sup> See Exhibit C, Certificate of Copyright Registration for Plan No. 1032 - Monte Vista

<sup>&</sup>lt;sup>4</sup> See Exhibit D, Certificate of Copyright Registration for Plan No. 1330 - Trenton

Plan No. 3076 - Sayler	VA 624-129 <sup>5</sup>
Plan No. 3123 - Bethany	VA 621-999 <sup>6</sup>

- 19. The foregoing works described in paragraphs 16-18 above will be referred to collectively as the "Copyrighted Works."
- 20. For many years, the Copyrighted Works have been widely published nationwide, including in this District, in numerous Design Basics' plan books and publications. Additionally, each of the Copyrighted Works has been published in various online publications, including <a href="https://www.designbasics.com">www.designbasics.com</a>.
- 21. Each of the Copyrighted Works constitutes original material that is copyrightable under federal law.
- 22. Design Basics is currently, and at all relevant times has been, the sole owner of all right, title, and interest in and to the Copyrighted Works.
- 23. Defendants are engaged, at least in part, in the business of creating, publishing, distributing, and advertising residential home designs through traditional print media, on the internet on sites such as <a href="www.woodsedgebuilders.com">www.woodsedgebuilders.com</a>, and in marketing, advertising, constructing, and selling homes built according to such designs.
- 24. Defendants published, distributed, marketed, and advertised certain architectural designs for residential homes, each consisting of a floor plan and exterior elevations that Defendants have identified and marketed under the following model names:
  - Salem
  - Bethany
  - Creswell
  - Kensington
  - Aspen

<sup>&</sup>lt;sup>5</sup> See Exhibit E, Certificate of Copyright Registration for Plan No. 3076 - Sayler

<sup>&</sup>lt;sup>6</sup> See Exhibit F, Certificate of Copyright Registration for Plan No. 3123- Bethany

- Wellington
- 25. Defendants were actually aware of Design Basics and the works that Design Basics markets. Defendants purchased numerous home plan books from Design Basics that featured the Copyrighted Works. Defendants received additional home plan publications from Plaintiff through Design Basics' customary business practices to distribute periodic publications to its customer mailing lists. Defendants also licensed nine Design Basics' designs (not at issue).
- 26. Defendants violated and continue to violate Plaintiff's exclusive rights in each of the Copyrighted Works (including the right to reproduce, the right to prepare derivative works, and the right to sell) by copying, publishing, distributing, advertising, marketing, selling, or constructing in the marketplace plans, drawings, and houses that were copied or otherwise derived from the Copyrighted Works, including, but not limited to:
  - a. Defendants' plan, Salem (and any predecessors, copies, or derivatives of this model) infringes on Design Basics Plan No. #3076 Sayler (and any derivatives thereof).
  - b. Defendants' plans, Bethany and Creswell (and any predecessors, copies, or derivatives of this model) infringe on Design Basics Plan No. #3123 Bethany (and any derivatives thereof).
  - c. Defendants' plan, Kensington (and any predecessors, copies, or derivatives of this model) infringes on Design Basics Plan No. #1032 Monte Vista (and any derivative thereof).
  - d. Defendants' plans, Aspen and Wellington (and any predecessors, copies, or derivatives of this model) infringe on Design Basics Plan No. #1330 Trenton (and any derivatives thereof).

### Count I: Copyright Infringement

27. Plaintiff complains of Defendants for copyright infringement, and incorporates paragraphs 1 through 26 above by reference.

- 28. Defendants' construction and sale of homes and creation of associated design and construction drawings based on Plaintiff's Copyrighted Works has infringed and continues to infringe Plaintiff's copyrights in the Copyrighted Works.
- 29. Defendants' creation and publication of non-pictorial representations based on Plaintiff's Copyrighted Works have infringed and are infringing Plaintiff's copyrights in the Copyrighted Works.
- 30. On information and belief, William E. Murry has the right and ability to supervise the activities of Wood's Edge Builders, Inc., Murry Development Corporation, Murry Communities, Ltd., WM Murry & Son Inc., W. M. P. Ltd. and Murry Management Co., and he has a direct financial interest in each such entity. Therefore, William E. Murry is vicariously liable for the infringement of Design Basics' Copyrighted Works.
- 31. On information and belief, Robert B. Sherman has the right and ability to supervise the activities of Wood's Edge Builders, Inc. and Sher-Wal., Inc., and he has a direct financial interest in both entities. Therefore, Robert B. Sherman is vicariously liable for the infringement of Design Basics' Copyrighted Works.
- 32. On information and belief, Charles H. Walton has the right and ability to supervise the activities of Wood's Edge Builders, Inc. and Sher-Wal., Inc., and he has a direct financial interest in both entities. Therefore, Charles H. Walton is vicariously liable for the infringement of Design Basics' Copyrighted Works.
- 33. Plaintiff is entitled to recover the actual damages it suffered as a result of the foregoing infringement and all of Defendants' profits from such infringement under 17 U.S.C. § 504(b).

- 34. In the alternative to the actual damages and infringer profits sought above, Plaintiff is entitled to an award of statutory damages for all infringements of Plaintiff's Copyrighted Works under 17 U.S.C. § 504(c).
- 35. Under 17 U.S.C. § 505, Defendants are liable for Plaintiff's costs and reasonable attorneys' fees incurred in this action.
- 36. Additionally, under 17 U.S.C. § 502, Plaintiff is entitled to preliminary and permanent injunctions prohibiting Defendants from further infringing on its copyrights, including but not limited to the further use of infringing plans; creation or use of derivative plans; and construction, sale, or rental of infringing structures.
- 37. Furthermore, this Court should issue an order under 17 U.S.C. § 503 directing the United States Marshal's Service to (a) impound all copies of the Copyrighted Works in possession of Defendants or their respective agents or contractors in violation of Plaintiff's exclusive rights, and (b) upon final hearing of this case, destroy or otherwise dispose of those copies.

#### Jury Demand

38. Pursuant to Federal Rule of Civil Procedure 38, Plaintiff respectfully demands trial by jury of all issues so triable.

#### Prayer

WHEREFORE, Plaintiff prays that Defendants, Wood's Edge Builders, Inc., Sher-Wal., Inc., W. M. P. Ltd., The Murry Companies / Sher-wal, Inc. Joint Venture, Murry Communities, Ltd. formerly known as The Murry Companies, Murry Development Corporation, WM Murry & Son Inc., Murry Management Co., William E. Murry, Robert B. Sherman, and Charles H. Walton, be cited to appear and answer, and that upon final trial it have and recover from

Defendants as set forth above, that it have permanent injunctive relief against Defendants as requested herein, and that it have such and other relief as it may show itself to be entitled.

Dated: February 13, 2017

Respectfully submitted.

Paul Kennedy (Pa LD) No. 3929

Jay A. Dubow (Pa. I.D. No. 41741)

Noah S. Robbins (Pa. I.D. No. 206803)

Pepper Hamilton LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103

Tel.: 215-981-4000

Email: kennedyp@pepperlaw.com

dubowi@pepperlaw.com robbinsn@pepperlaw.com

Rick L. Lambert (Texas Bar No. 11844725) Kelly D. Utsinger (Texas Bar No. 20416500) Jennie C. Knapp (Texas Bar No. 24069350) Underwood Law Firm P.C.

500 S. Taylor, Suite 1200 LB 233

Amarillo, TX 79105 Tel: 806-379-5613

Email: rick.lambert@uwlaw.com

kelly.utsinger@uwlaw.com jennie.knapp@uwlaw.com

Pro hac motions to be filed

ATTORNEYS FOR DESIGN BASICS, LLC

# **EXHIBIT A**

### **CERTIFICATE OF REGISTRATION**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



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Page 1 of \_\_\_\_\_ pages

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PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? ∑ Yes □ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

- a. [] This is the first published edition of a work previously registered in unpublished form.
- b. [] This is the first application submitted by this author as copyright claimant.
- c. [] This is a changed version of the work, as shown by space 6 on this application.

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See instructions before completing

b. Material Added to This Work. Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Account Number V

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP W

\_\_Design Basics\_Inc.\_\_\_\_\_ \_\_11112 John Galt Blvd.

Omaha, NE 68137-2384

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of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

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Register of Copyrights Library of Congress Washington, D.C. 20559

7 U.S.C. § 505(e). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filled in connection

# **EXHIBIT B**

### **CERTIFICATE OF REGISTRATION**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Larbara Ringer
ACTING REGISTER OF COPYRIGHTS

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Dennis Brozak

date Sept. 1993

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Design Basics, Inc.

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Number/Street/Apartment Number ▼

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

11112 John Galt Blvd.

City/State/ZIP ▼

Omaha, NE 68137-2384

Complete all necessary spaces Sign your application in space 8

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:

Application form
 Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
 Deposit material

MAIL TO: Register of Copyrights Library of Congress Washington, D.C. 20559

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes

17 U.S.C. § 506(e): Any person who knowingly makes a latse representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# **EXHIBIT C**

## **CERTIFICATE OF COPYRIGHT REGISTRATION**

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FORM VA UNITED STATES COPYRIGHT OFFICE

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See detailed instructions.

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## **EXHIBIT D**



See instructions before completing

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the 'author' of a work made for

hire" is generally

the employer.

417 Hillcrest Landing Ralston, NE 68127

TRANSFER if the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

AUG. 18. 1988 TWO DEPOSITS RECEIVED REMITTANCE NUMBER AND DATE

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Complete all applicable spaces (numbers 5-9) on the reverse side of this page

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CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Api/Cny/State/Zo ▼  Design Basics, Inc.  417 Hillcrest Landing  Ralston, NE 68127  Area Code & Melaphore Purnor ► (402) 331–9223  CERTIFICATION * 1, the undersigned, hereby certify that I am the Check only one ▼  author  other copyright claimant  owner of exclusive right(s)  Basics, Inc.  Sauthorized agent of Design Basics, Inc.  Name of aumor or other copyright claimant, or owner of exclusive sign(s) A  of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 1.  Dennis Brozak  Alage August 15, 1988  MAIL  Name ▼  CERTIFICATE TO  CERTIFICATE TO  CERTIFICATE TO  Certificate  ### All Hillcrest Landing  All Hillcrest Landing  All Thillcrest Landing  Palston, NE 68127  MILITOR Register of Copyrights.  While the processor of the Palston of the control o	DEPOSIT A	COUNT If the regist	ration fee is	o be charged t	o a Deposit	Account established i	the Copyright Office, o	ive name and number of Account	BERTHANDOR OF THE PROPERTY OF
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Design Basics, Inc.  417 Hillcrest Landing Ralston, NE 68127   Area Code & Bielphone Number ▶ (402) 331-9223  CERTIFICATION* I, the undersigned, hereby certify that I am the Check only one ▼ author owner of exclusive right(s)  Se suthorized agent of Design Basics, Inc.  Whene of author or owner copyright claimant. or owner of exclusive right(s)  of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozalk  MAIL CERTIFICATE TO  Name ▼  Lossign Basics, Inc.  Design Basics, Inc.  Name ▼  Certificate will be will be This provided in processary Correct Street/Apariment Number ▼  417 Hillcrest Landing  City/State/ZiP ▼  MAIL TO: Register of Copyrights Abil TO: Register of Copyrig	CORRESPON	NDENCE Give name a	ınd address t	o which corres	pandence	about this application	should be sent Name/A	fidence (AntifficulEtera) 7:a W	
Area Code & Bilephone Number ▶ (402) 331—9223  CERTIFICATION* 1, the undersigned, hereby certify that I am the Check only one ▼ author author Other copyright claimant Owner of exclusive right(s)  authorized agent of Name of author or oner copyright claimant, or owner of exclusive right(s) ▲  of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ if this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozak  MAIL CERTIFI- CATE TO  Design Basics, Inc.  Design Basics, Inc.  Name ▼  Design Basics, Inc.  Name ▼  Certificate will be mailted in window Window Ralston, NE 68127  MAIL To: Register of Copyrights.  Linc Register of C		Des	sion Ba	sics. In	ic.	- Tot dist application	mouse se sent. Testigra	udiess/Apt/City/State/Zip ₩	
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Area Code & Bilaphone Number ▶ (402) 331–9223  CERTIFICATION® 1, the undersigned, hereby certify that I am the Check only one ▼ author □ other copyright claimant □ owner of exclusive right(s) □ authorized agent of Design Basics, Inc. Name of author or orner copyright claimant, or owner of exclusive right(s) ▲  of the work identified in this application and that the statements onade by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozak  MAIL CERTIFICATION  Name ▼  Design Basics, Inc.  Number/Siven/Apartment Number ▼  417 Hillcrest Landing  City/State/Zip ▼  Alston, NE 68127  **TYUSC! \$56(e) Any person who knowledge) makes a later representation of a material fact in the spolication for copyright legistration provided testing to exclusive right(s) and the complete of the property makes a later representation of a material fact in the spolication for copyright legistration provided to be exclused 90 or in pure with a transmission, Occ 26556  **TYUSC! \$56(e) Any person who knowledge/makes a later representation of a material fact in the spolication for copyright legistration provided to be exclused 90 or in pure without presentation in space 1 of 200 or in pure without presentation in space 2 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure with or internet field in the space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 200 or in pure without presentation in space 3 of 2		Ra.	lston,	NE 6812	27				Be sure to
CERTIFICATION* 1, the undersigned, hereby certify that I am the  Check only one  author  owner of exclusive right(s)  authorized agent of Design Basics, Inc.  Name of author or other copyright claimant, or owner of exclusive right(s)  authorized agent of Design Basics, Inc.  Name of author or other copyright claimant, or owner of exclusive right(s)   for the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date  If this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozak  MAIL  CERTIFICATION  Name   August 15, 1988  MAIL  CERTIFICATION  Name   August 15, 1988  MAIL  CERTIFICATION  Number: Street: Apartment Number   417 Hillcrest Landing  ChyState / Inc.  Number: Street: Apartment Number   417 Hillcrest Landing  ChyState / Inc.  Ralston, NE 68127  MAIL To: Register of Copyrights, Library of Copyrights and tends with the application and ten?  MAIL To: Register of Copyrights, Library of Copyrights?  Enclosed of your depolar malened with the application and ten?  MAIL To: Register of Copyrights, Library of Copyrights, Library of Copyrights, Capyrights and the population and ten?  MAIL To: Register of Copyrights, Library of Copyrights, Library of Copyrights, Capyrights, Capyrights				Comp. 6 Wilson					give your
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□ author □ other copyright claimant □ owner of exclusive right(s) ☑ authorized agent of □ Design Basics, Inc. Name of aumor or other copyright claimant, or owner of exclusive right(s) ▲  of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozak  August 15, 1988  Handwritten signature (X) ▼			ned, hereby o	ertify that I an	n the			13 (c : 1580.60 C)(153 : 1030.0000000000000000000000000000000000	
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Seathorized agent of Design Basics, Inc.  Name of author or other copyright claimant, or owner of exclusive right(s) ▲  Of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.  Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.  Dennis Brozak  MAIL  CERTIF-  CATE TO  Design Basics, Inc.  Name ▼  Design Basics, Inc.  Number/Street/Apartment Number ▼  417 Hillcrest Landing  Chy/State/ZIP ▼  August 15, 1988  Have you:  Completed all necessary spaces?  Signed your application in space 8?  Enclosed check or money order for 50 payable to Register of Copyrights?  Enclosed our depost material fact in the application for copyright resistration provided for thy section 400 or in any writer statement field in the spolication for copyright resistration provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for thy section 400 or in any writer statement field in the spolication provided for the spolication provided for the spolication and the spolication are spolication and the spolication a	other copyri	ght claimant							
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Design Basics, Inc.  Number/Street/Apartment Number ▼  Certificate will be mailed in window envelope  **Inc.**  Chy/State/ZIP ▼  MAIL TO: Register of Copyrights, Ubrary of Congress, Washington, O.C. 20559  **IT U.S.C. § 506(e): Any person who knowingly makes a talke representation of a material fact in the application for copyright registration provided for by section 409 or in any written statement lited in	MAIL	Name ▼	<del> </del>						6
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Case 5:17-cv-00656-JFL Document 1 Filed 02/13/17 Page 21 of 27

## **EXHIBIT E**

### CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

FORM VA



VA 624-129

VÀ EFFECTIVE DATE OF REGISTRATION

JAN 1 3 1994

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n instructions circ completing	COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same a the author given in space 2. V  Design Basics, Inc.  11112 John Galt Blvd.  Omaha, NE 68137-2384	ONE DEPOSIT RECEIVED  SIAN. 13.1994  TWO DEPOSITS RECEIVED		
	TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. \(\Psi\)	REMITTANCE NUMBER AND DATE		

**EXHIBIT** 

CL > FCD400

See detailed instructions.

Case 5:17-cv-00656-JFL Document	1 Filed 02/13/17 Page 24 of 27	
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This is the first published edition of a work previously registered in unpublished form.  b. □ This is the first published edition of a work previously registered in unpublished form.  b. □ This is the first application submitted by this author as copyright claimant.  c. □ This is a changed version of the work, as shown by space 6 on this application.  If your answer is "Yes," give Previous Registration Number ▼ Year of Registration.	Tate box) ▼	5
DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative	to tuncki complete, and oth for a compiler	
a. Preexisting Material Identify any preexisting work or works that this work is based on or incor	porales, <b>V</b>	See instructions
b. Material Added to This Work Give a brief, general statement of the material that has been adde	ed to this work and in which converient is claimed.	before completing this space.
	which copyright is confired.	
		-
DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in Account Number 1987 (1987).	in the Copyright Office, give name and number of Account. Der ▼	7
CORRESPONDENCE Give name and address to which correspondence about this application	should be seet. Name / Add and / April (Co. 1719)	- -
Design Basics, Inc. 11112 John Galt Blvd. Omaha, NE 68137-2384		Be sure to
	331-9223	give your daytime phone
CERTIFICATION* 1, the undersigned, hereby certify that I am the	331-3223	◀ number
Check only one   [] author  [] other copyright claimant  [] owner of exclusive right(s)  [] authorized agent of		8
of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.		
Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not Dennis Brozak	sign and submit it before that date.  date ▶ December 2, 1	993
Handwritten signature (X) ▼	<u> </u>	
MARL CERTIFI. CATE TO  Design Basics, Inc.  Number/Street/Apartment Number ▼  Certificate will be mailed in window envelope  Design Basics, Inc.  Certificate vill be mailed in window on Omaha, NE 68137-2384	YOU MUST:  Complete all necessary spaces Sign your application in space 8  SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:  J. Application form Norrefundable \$20 filing fee in check or money order payable to Register of Copyrights Deposit material MALTO Register of Copyrights Library of Congress Washington, D. C. 20559	The Copyright Office has the authority to ad- just the authority to ad- just the Consumer Price in the Indian in 1984 for in 1984 for in 1984 to determine the actual feet schedule.

<sup>17</sup> U.S.C. § 506(a). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection in the application, shall be fined not more than \$2,500.

# **EXHIBIT F**

### **CERTIFICATE OF REGISTRATION**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records. For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE REGISTRATION NUMBER 621 999 / EFFECTIVE DATE OF REGISTRATION

FORM VA

ELIBRARY C	DE CONCRETO Darbara Ringer	10/07/93/
OFFICIA	ACTING BEGISTED OF CODVEIGHTS	
1	TITLE OF THIS WORK ♥	NATURE OF THIS WORK ▼ See Instructions
•	Plan No. 3123 - Bethany PREVIOUS OR ALTERNATIVE TITLES ▼	Blueprints
	PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a period collective work in which the contribution appeared. Title of Collective Work ▼	odical, serial, or collection, give information about the
	If published in a periodical or serial give: Volume ▼ Number ▼	Issue Date ▼ On Pages ▼
<b>2</b> a	NAME OF AUTHOR ▼ - Design Basics, Inc.	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼
	Was this contribution to the work a "work made for hire"?  □ Yes □ No  AUTHOR'S NATIONALITY OR DOMICILE Name of Country  OR  Citizen of Domiciled in U.S.A.	WAS THIS AUTHOR'S CONTRIBUTION TO If the answer to either oil these questions is 'Yes,' see detailed instructions.
nder the law, re "author" of "work made or hire" is enerally the	NATURE OF AUTHORSHIP Check appropriate box(es). See instructions  3-Dimensional sculpture Map Technical 2-Dimensional artwork Photograph Text Reproduction of work of art Jewelry design Architect	
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9200-	Was this contribution to the work a "work made for hire"?  ☐ Yes ☐ No ☐ No ☐ No ☐ No ☐ Work made for hire"? ☐ Domiciled in ▶	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  Anonymous?
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<b>3</b> a	YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases.  DATE AND NATION OF FIRST PUB Complete this information ONLY if this work has been published.  U.S.	LICATION OF THIS PARTICULAR WORK ember Day 21 Year 1993 A. Nason
1	COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ♥	APPLICATION RECEIVED
na instructions fore completing 5 space.	Design Basics, Inc. 11112 John Galt Blvd. Omaha, NE 68137-2384	TWO DEPOSITS RECEIVED
4	TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼	REMITTANCE NUMBER AND DATE
	MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.	EXHIBIT DO NOT WRITE HERE

· See detailed instructions.

. Sign the form at line 8.

Case 5:17-cv-00656-JFL	Document 1 Filed 02/13/17: Page 27 of 27 EXAMINED BY	FORM VA
MAR 21 1997 621 999	CORRESPONDENCE Yes	FOR COPYRIGHT OFFICE
DO NOT WRITE ABOVE THIS LINE IF YOU WE	ED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.	USE ONLY

		- Cite
	DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUAL	
PREVIOUS	REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Co	pyright Office?
LITES XING	If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼	h
h. 🗀 This is th	e first published edition of a work previously registered in unpublished form. e first application submitted by this author as copyright claimant.	<i>§</i>
	changed version of the work, as shown by space 6 on this application.	
	is "Yes," give: Previous Registration Number ▼ Year of Registration ▼	
DERIVATIVA. Preexisting	E WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a co Material Identify any preexisting work or works that this work is based on or incorporates. ▼	mpilation.
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b. Material Ac	ided to This Work. Give a brief, general statement of the material that has been added to this work and in which copyr	ight is claimed. ♥
DEPOSIT A	CCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name  Account Number ▼	and number of Account.
CORRESPO	NDENCE Give name and address to which correspondence about this application should be sent. Name/Address	/Ant/City/State/ZIP ▼
	Basics, Inc.	***************************************
	John Galt Blvd.	%
Omaha,	NE 68137-2384	Be sure to
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Check only one		
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by me in this a	ntified in this application and that the statements made oplication are correct to the best of my knowledge.	
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	andwritten signature (X) ▼	<u>.prember 27,</u> 1993
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MAIL		OU MUST:
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17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filled in connection with the application, shall be fined not more than \$2,500.

window

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